

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
JULY 18, 2000**

PRESENT: Roy Pfeffer, Daniel Densow, W. Robert Cress, Peter Schils, and Bonnie Gift

EXCUSED: Rick Unbehaun

STAFF PRESENT: Secretary Cummings for a portion of the meeting, Becky Fry, Jacquelynn Rothstein, Legal Counsel; Clete Hansen (by telephone conference), Roxanne Peterson, Judy Mender, and Division of Enforcement staff, for portions of the meeting

GUESTS: Mark Paget, WFDA
Kathy O'Sullivan, Advisory Committee on FD Apprenticeship Issues
Mark Krause, FSA and Advisory Committee on FD Apprenticeship Issues
Ashley Moore, FSA
Barbara Schuler, Wisconsin Technical College System
Christine Jacob, FSA
Ken Schmidt, FSA

CALL TO ORDER

The meeting was called to order at 9:41 a.m. by Roy Pfeffer, Chair. A quorum of five members was present.

AGENDA

MOTION: Daniel Densow moved, seconded by Bonnie Gift, to adopt the agenda, as published. Motion carried unanimously.

MINUTES (5/23/00)

MOTION: Daniel Densow moved, seconded by Robert Cress, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings gave a report on the Board Member Workshop held July 13 and 14, 2000.

Secretary Cummings reported on the progress of the Cemetery Task Force and the proposal for cemetery legislation. She indicated there was a recommendation for a Cemetery Board that would have jurisdiction over the enforcement and would protect the public interest.

Secretary Cummings addressed the concern of municipalities that have an insolvent cemetery and she addressed the funding of these cemeteries. She referred to the City of Milwaukee cemetery proposal to increase death certificate fees to take care of insolvent cemeteries and the proposal of a consumer fund. She indicated that the Department prefers not to approve a consumer fund, but would prefer increasing auditing and inspection requirements. She stated that Representative Lorraine Seratti is working with Milwaukee on proposed cemetery legislation.

Secretary Cummings suggested the integration of the cremation proposal into the cemetery bill and questioned whether the funeral director statutes should be amended to include crematoriums as it relates to funeral directors.

The Board discussed the possible requirement of identification on the outside of a casket and on bodies. No conclusions were reached.

Roy Pfeffer requested that a summary of the proposed cemetery legislation be provided for the Board's review and position.

Bureau Director's Report

Roy Pfeffer questioned what action has taken place relating to permitting apprentices to use the internship time for completion of the apprentice time requirements. Clete Hansen explained that a discussion had taken place between the Department of Workforce Development and Department of Regulation and Licensing staff to iron out some language in the contracts and that the numbers of hours are in agreement. He stated that the materials are out in the field and are being implemented.

The Board received a copy of a lawsuit filed by John Murray against the Loewen Group. Clete Hansen indicated that Henry Sanders included this for the Board's information. Noted.

Board Roster

The Board received an updated roster. Noted.

2000 Meeting Dates

The Board noted the list of scheduled meeting dates.

The Board received a copy of the 2001 proposed meeting dates.

MOTION: Pete Schils moved, seconded by Robert Cress, to approve the 2001 meeting dates. Motion carried unanimously.

To-Pass Folder

The To-Pass Folder was circulated and duly noted.

LEGISLATIVE UPDATE

Regulation of Crematories

The Board reviewed and discussed each of the comments and suggestions submitted by Legal Counsel, Jacquelynn Rothstein, regarding the proposal prepared by Dan Densow and several colleagues.

The Board discussed the definition of “cremation,” “human remains,” and “columbarium.”

The Board held lengthy discussion on section 3 relating to the legal right to authorize cremation of an individual. Jacquelynn Rothstein and Roy Pfeffer will review case law on this issue.

Dan Densow and Jacquelynn Rothstein will draft language for clarification of several items in Dan Densow’s draft of cremation regulations for the State of Wisconsin for the next meeting.

Clete Hansen informed the Board that he had sent a letter to the members of the Cemetery Advisory Committee and the Cemetery Task Force in relation to the proposed cremation regulations. Mr. Hansen stated Secretary Cummings wants to include some of the language from the cemetery bill in the funeral director statutes so funeral directors and cemeterians would have the same requirements relating to cremations. Also a section would be added so anyone else that does cremations, such as a vault company, would have the same requirements and would be required to have some type of license or registration like pre-need sellers of merchandise have. This would allow the department to have authority over any entity (other than a funeral establishment) that performs cremations.

SB 483 – Class A & Class B Establishments

Legal Analysis of Legal Counsel

The Board received a July 17, 2000, memo from Legal Counsel, Jacquelynn Rothstein regarding the analysis of Class A & B funeral establishment permits.

Clete Hansen informed the Board that the bill would have to be re-introduced into the new legislature next year.

No action was taken.

EXAMINATION ISSUES

Clete Hansen stated Casey Brown is reviewing some aspects of the national exam. Casey Brown will discuss the possibilities of switching from the state exam to the national exam at the next meeting.

BOARD MEMBER ACTIVITY

Bonnie Gift informed the Board that she attended the Board Member Workshop.

Bob Cress advised the Board that he also attended the workshop.

Clete Hansen advised that he attended the program with the legislators at the workshop and was impressed with the presentations relating to obtaining legislative changes. He informed the Board that several legislators at the workshop suggested to Board members and department staff that consideration should be given to asking freshmen legislators to introduce some of the bills because freshman legislators are looking for issues that they may be interested in and are also looking for good bills to introduce.

REPORT OF THE ADVISORY COMMITTEE ON FUNERAL DIRECTOR APPRENTICESHIP ISSUES

Recommended Statutory and Rule Changes

The Board reviewed the three statutory changes recommended by the advisory committee.

MOTION: Pete Schils moved, seconded by Robert Cress, to eliminate the requirement that an applicant have sophomore standing before being eligible for receiving an apprentice permit. Motion carried with 4 “yes” votes and 1 “no” vote by Daniel Densow.

MOTION: Bonnie Gift moved, seconded by Daniel Densow, to change the apprentice permit fee from \$10 per year to a \$40 4-year permit. Motion carried unanimously.

Roy Pfeffer indicated a correction in the referenced statute the Committee recommended for repeal to s. 445.095 (1) “(d)”.

MOTION: Daniel Densow moved, seconded by Pete Schils, to repeal s. 445.095 (1) (d), Stats., which requires semi-annual reports. Motion carried unanimously.

Judy Mender advised the Board that apprentice requirements are listed under licensure requirements in the statutes and should be listed under apprentice requirements in the statutes. Further discussion on this issue was deferred to the next meeting.

MONITORING OF CONTINUING EDUCATION

Clete Hansen reported on his progress in monitoring continuing education. Mr. Hansen will review the renewal notice with Cathy Pond and report to the Board at the next meeting relating to continuing education.

CORRESPONDENCE FROM THE INTERNATIONAL CONFERENCE OF FUNERAL SERVICE EXAMINING BOARDS, INC.

Contents of the National Exam

This issue was tabled until the September 19, 2000, meeting at which time Casey Brown will address the Board.

NATIONAL CONFERENCE ON APRIL 7-9, 2001

Action will be taken on this issue at a later date.

CONFERENCE POSITION ON MODEL ENDORSEMENT PLAN OF THE NATIONAL FUNERAL DIRECTORS ASSOCIATION

Noted.

SHORTAGE OF FUNERAL DIRECTORS

Noted.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Clete Hansen's May 26, 2000, letter to Diego Camacho was included in the agenda packet.
Noted.

Ms. Gift distributed a copy of Jonathan Becker's June 12, 2000, Ethics Board opinion relating to a Board member testifying as an expert witness and William Dusso's July 13, 2000, memo relating to the Ethics Board opinion. Noted.

NEW BUSINESS

None.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Daniel Densow moved, seconded by Peter Schils, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Dan Densow-yes; Bonnie Gift-yes; Robert Cress-yes; Peter Schils-yes; Roy Pfeffer-yes.

Open Session recessed and Closed Session convened at 12:26 p.m.

CLOSED SESSION

The Board received a copy of the Case Status Report and discussed the status of open investigations with staff in the Division of Enforcement.

The Board deliberated on a stipulation, pending applications and disciplinary matters.

Benjamin Barbour addressed the Board concerning a disciplinary action previously taken by the Board.

RECONVENE IN OPEN SESSION

By consensus, the Board reconvened in Open Session at 1:56 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

APPEARANCE OF BENJAMIN BARBOUR

MOTION: Daniel Densow moved, seconded by Bonnie Gift, to deny Benjamin Barbour's request for a stay of suspension. Motion carried unanimously.

STIPULATION

MOTION: Pete Schils moved, seconded by Robert Cress, to approve the stipulation for Gary Hartson, 99 FDR 024. Motion carried with Pete Schils abstaining.

PENDING APPLICATIONS

MOTION: Pete Schils moved, seconded by Daniel Densow, to deny Ronald L. Downey to sit for the exam, as the licensing requirements are not substantially equivalent. Motion carried unanimously.

MOTION: Daniel Densow moved, seconded by Bonnie Gift, to approve Steven J. Perion to sit for the reciprocal exam. Motion carried unanimously.

ADJOURNMENT

MOTION: Pete Schils moved, seconded by Dan Densow, to adjourn the meeting at 2:01 p.m. Motion carried unanimously.